

# **PLANNING BOARD MINUTES**

**March 14, 2012**

**Town Council Chambers**

**Board members present:**

**Jan Eckhart, Chairman     Ron Wolanski, Town Planner**

**Richard Adams, Vice Chairman**

**Gladys Lavine**

**Charlene Rose-Cirillo**

**Pete Marnane**

**Betty Jane Owen**

**Member absent:**

**Audrey Rearick**

**The meeting was called to order at 6:30 pm.**

**1. Approval of the minutes of the February 8, 2012 regular meeting.**

**Motion by Ms. Owen, seconded by Ms. Cirillo, to approve the minutes of the February 8, 2012 regular meeting. Vote: 6-0-0.**

**1. Election of Officers for 2012**

**Motion by Ms. Owen, seconded by Ms. Cirillo, to retain the current slate of officers, including Jan Eckhart, Chairman, Dick Adams, Vice-Chairman, and Audrey Rearick, Secretary. Vote: 6-0-0.**

**2. Correspondence – Mr. Eckhart stated that he had received correspondence from the Town Clerk confirming the Town Council's**

**action to reappoint Gladys Lavine and Pete Marnane to the Planning Board. Motion by Mr. Adams, seconded by Ms. Owen, receive the communication. Vote: 6-0-0.**

**3. Public Hearing – Peter Gallipeau, Proposed 12 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lot 4, Request for Preliminary Plan Approval.**

**4. Peter Gallipeau – Request for one-year extension of Master Plan approval, including extension of time limit to meet conditions of master plan approval - Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218.**

**5. Peter Gallipeau, Request for one-year extension of Master Plan approval - Proposed 9 lot Major Subdivision (conventional subdivision plan), Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 216, 217, 218.**

**Mr. Eckhart stated that the applicant for the above three items, Mr. Gallipeau, has requested a continuance, and has submitted a letter agreeing to the extension of the timeframe for a decision on the preliminary plan application to April 11, 2012.**

**Motion by Ms. Owen, seconded by Ms. Cirillo, to continue the above items, including the public hearing, to the April 11, 2012 regular Planning Board meeting, 6:30pm. Vote: 6-0-0.**

**6. Consideration of potential amendments to Zoning Ordinance, Article 11 – Watershed Protection District.**

**Mr. Wolanski stated that this matter was returned to the Planning Board for additional consideration at the request of a board member. One of the proposed amendments would require a special use permit**

for construction of public streets or highways in Zone 1. Requiring the addition of the special use permit requirement to the subdivision review and approval process might be redundant. The amendment would also give approval authority for proposed new road creation in Zone 1 to the Zoning Board of Review. The Planning Board may wish to retain its authority over new road creation.

Mr. Adams stated that his desire is to not introduce unnecessary hurdles into the development review process.

Ms. Lavine expressed concern over contamination that could occur as a result of road construction.

Mr. Wolanski stated that all developments must comply with the town's storm water management requirements, which requires control and treatment of stormwater runoff, which is the main potential source of contamination from roads.

Ms. Lavine asked if the regulations target specific chemicals and contaminants of concern.

Mr. Wolanski stated that the Watershed Protection district does identify particular chemicals of concern, while the storm water management ordinance does not target specific chemicals.

Motion by Mr. Adams, seconded by Mr. Marnane, to revise the proposed amendments to the Watershed Protection District recommended to the Town Council for adoption by eliminating the provision that would have required a special use permit for construction of public streets or highways in Zone 1 of the watershed protection district. Vote: 4-2-0 with Ms. Lavine and Ms. Owen voting in opposition.

**7. Request of the Town Council for a recommendation on a petition for Zoning Ordinance Amendment by 28 Jacome Way, LLC regarding ground-mounted solar arrays.**

**The petitioner requesting the zoning ordinance amendment was represented by attorney Robert Silva.**

**Mr. Wolanski stated that following the special Planning Board meeting held on March 8th there has been further discussion between the petitioner and town staff. Concern was raised about the Planning Board proposal to expand the petition to also address development of solar arrays in residential districts. Given the likelihood that drafting an amendment to address residential districts would require additional time, and given the petitioners desire to move forward due to funding and other considerations, it is recommended that the board consider providing a recommendation to the Town Council regarding the business districts, as is requested in the petition. The Planning Board could then proceed with consideration of residential districts at a later time. The necessary revisions to the petition relative to business districts identified during the March 8th special meeting would be addressed prior to the board providing its recommendation.**

**Mr. Marnane asked if it would be better to complete the full amendment, including addressing residential districts, at one time.**

**Mr. Wolanski stated that his usual preference is to address all aspects of an amendment at once, rather than one piece at a time. In this case, however, the concerns relative to residential districts are more significant and will take more time to consider. By not**

addressing residential districts now the petition from a local business owner could move forward. Development of ground-mounted solar arrays as a principle use in residential districts would remain a prohibited use, as is currently the case. The board could then, if it wishes, work to draft appropriate standards to allow for the use in residential districts.

Mr. Silva stated that he was hoping to have a Planning Board recommendation in time to be received by the Town Council during its April 16th meeting. He will work with town staff to make the necessary revisions to the petition. He would be willing to meet with the board prior to the April 11th regular meeting if necessary.

Mr. Eckhart stated that he is comfortable with staff working with the petitioner and the solicitor's office to provide a revised petition to address the previously identified deficiencies. Another special meeting might not be necessary.

By consensus the matter was continued to the April 11, 2012 regular Planning Board meeting.

#### **8. Update on Comprehensive Community Plan 5-year update process.**

Mr. Adams stated that work on the draft updates continues. The next meeting of the comprehensive plan update committee is scheduled for March 21st.

#### **9. Update on activities of the Aquidneck Island Planning Commission.**

Mr. Adams updated the ongoing efforts for the AIPC, including the energy alliance and the discussion with the town/city managers regarding the potential for shared services.

**10. Update on activities of the Aquidneck Island Reuse Planning Authority.**

**Mr. Eckhart stated that the AIRPA has ceased activities, as the planning phase has been completed. A new implementing LRA will be formed to represent the towns in the next phase of the Navy property disposition process. Mr. Eckhart requested that town staff keep the Planning Board apprised of future developments.**

**11. Request of Zoning Board of Review for recommendation on modified development plan – Mile One LLC. Proposed 92 room hotel building and site improvements on property at West Main Rd. & Race Street, Plat 108NW, Lots 163 & 168.**

**12. Request for extension of development plan waivers approval – Mile One LLC. Proposed 92 room hotel building and site improvements on property at West Main Rd. & Race Street, Plat 108NW, Lots 163 & 168.**

**The above two items regarding Mile One LLC were addressed simultaneously.**

**Attorney Robert Silva represented the applicant. He explained the reason for the proposed plan modifications, including the selection of a hotel chain that requires larger rooms than originally proposed. The number of rooms will not change, but the building floor area must increase. The modified site plan and revised building elevations were presented.**

**Mr. Silva discussed the 90-day expiration period for waivers. He requested consideration of an extension of this period.**

**Mr. Wolanski requested clarification on the proposed exterior**

**materials depicted on the revised elevations.**

**One of the applicants, Mr. Karam, stated that due to the design preference of the selected hotel chain, some areas previously proposed for clapboard style siding will have square panels composed of Hardiplank material.**

**Mr. Wolanski asked if board members were comfortable with this change. No concerns were expressed.**

**There was discussion of the recommended conditions and requested waivers.**

**Mr. Wolanski suggested that the board consider applying the same conditions and waivers as provided to the ZBR with the prior recommendation. No new waivers are requested.**

**Mr. Silva indicated that he was comfortable with the proposed conditions and waivers.**

**Motion by Ms. Owen, seconded by Ms. Cirillo, to grant the requested waivers and provide a positive recommendation on the revised plans to the Zoning Board of Review subject to the following conditions, and provided that the approval of waivers shall be valid for a period of six months:**

- 1. Prior to issuance of the special use permit, the Town Engineer shall complete review and approve the storm water drainage plan and calculations.**
- 2. Prior to issuance of the special use permit, the landscaping plan must be provided to the Middletown Tree Commission for review and comment.**
- 3. Any HVAC and other equipment to be located on the roof of the**

**proposed building must be screened from public view.**

**4. Certification from the City of Newport that public water is available to serve the proposed development must be provided.**

**Waivers granted :**

**o Section 521.1.B.2 – Parking lot exceeding 50 spaces.**

**o Section 521.2.A.2 – Unbroken plane of wall exceeding 40 feet.**

**o Section 521.2.C. – Materials not consistent with the requirement for traditional exterior building materials.**

**o Section 521.2.D – Traditional roof form (hip, gambrel, gable) not provided.**

**o Section 521.3.D.2 – Landscaped buffer 20' wide along residential property line not provided.**

**o Section 521.3.F. – Required trees do not meet 4" caliper minimum.**

**Vote: 6-0-0.**

**13. Mr. Eckhart asked if there was addition items for discussion**

**Ms. Owen expressed concern about the propane leak experience during the prior week at Rocky's Hardware on West Main Rd.**

**Motion by Ms. Owen, seconded by Ms. Cirillo to adjourn. Vote: 6-0-0**

**The meeting adjourned at 7:10 pm**

**Respectfully submitted:**

**Ronald M. Wolanski**

**Town Planner**